

## **II. Remarks**

### **A. Introduction**

Reconsideration and allowance of the present application are respectfully requested.

Claims 34-45 are pending in the present application. Claim 34 is independent. Claims 34, 36, 38, 39, and 44 have been amended. No claims have been added or cancelled. No new matter has been introduced.

### **B. Claim Rejections**

Claims 34-44 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,703,193 to Rosenberg, *et al.* (“Rosenberg”). Applicants respectfully traverse this rejection based on the amendments to claim 34 and for the reasons that follow.

#### **1. Rosenberg Fails to Teach Every Claim Element under 35 U.S.C. § 102(b)**

To reject a claim based on 35 U.S.C. § 102(b) all of the claim limitations must be taught by a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

Independent claim 34 recites a process using a “dissolved diphenylmethane diisocyanate monomer in a solution at an NCO:OH ratio in the range of from about 2:1 to 20:1, wherein the solution comprises the diphenylmethane diisocyanate monomer and ***one or more inert solvents consisting essentially of solvents having a boiling point about 1°C to about 100°C below the boiling point of the diphenylmethane diisocyanate monomer at a pressure of 10 torr.***” (Emphasis Added). The Office Action has only cited Rosenberg because the transitional “comprising” language in claim 34, would not exclude using two solvents, a low boiling point solvent and a high boiling point solvent, taught by Rosenberg. (See Office Action Page 3). The amendments to claim 34 clearly indicate that solution comprises the diphenylmethane diisocyanate monomer and one or more insert solvents consisting essentially solvents having a boiling point about 1°C to about 100°C below the boiling point of the diphenylmethane diisocyanate monomer at a pressure of 10 torr. Rosenberg cannot teach or suggest that the

solutions comprises one or more inert solvents that consist essentially of solvents having a lower boiling point than the diphenylmethane diisocyanate monomer as claimed in Claim 34. Therefore, for at least this reason, independent Claim 34 is patentable over Rosenberg and this rejection should be withdrawn.

## **2. Dependent Claims**

Dependent Claim 45 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosenberg in view of U.S. Patent No. 4,624,996 to Rizk, et al. or U.S. Patent No. 4,101,473 to Lander. Dependent Claims 35-45 contain all the limitations of independent Claim 34 from which they depend and thus are patentable over the cited reference for at least the same reasons as independent Claim 34.

## **C. Conclusion**

In view of the above remarks, it is believed that this application is in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3536. All correspondence should continue to be directed to the below-listed address.

Respectfully submitted,

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